THE HON'BLE SRI JUSTICE C.V. RAMULU

Tuesday, 21st day of November ,2006

W.P.No.11773 of 1996

Between :

Tumparthi Venkoba Rao
and another … Petitioners

and

The Correspondent,
Dr.S.R.J. Degree College,
Atmakur, Nellore District
and another … Respondents

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ORAL ORDER:

This Writ Petition is filed seeking a Mandamus directing the respondents to pay the petitioners the arrears of salary due to their deceased daughter-T.V.Lakshmi amounting to Rs.82,705.75 ps with 18% interest thereon.

It appears that the daughter of the petitioners was appointed as a Typist in the 1st respondent-College with effect from 12-3-1986. She worked till 30-6-1993 and died in harness on 1-7-1993. According to the petitioners, their daughter was appointed against an aided vacancy of Typist existing in the College, but she was not paid salary as per her entitlement. She was paid only Rs.500/- per month all through. Therefore, their daughter was entitled to an amount of Rs.82,705.75 being the difference of wages in the cadre of Typist. Their daughter's name was included as one of the staff members of the College for the purpose of Provident Fund. In spite of several representations, their case was not considered. Further, they have approached the District Consumers' Forum, Nellore ventilating their grievance. By an Order dated 30-3-1993 in C.D.No.1127 of 1993, the District Consumers' Forum directed payment of Provident Fund; but, insofar as salary is concerned, it was held that the Consumer Forum cannot give any direction for payment of salary. Hence, the Writ Petition.

The facts as to whether the petitioners' daughter was appointed against an aided vacancy and whether she was put on regular pay

scale were not furnished by the petitioners. However, it is asserted by the learned counsel for the petitioners that the daughter of the petitioners was appointed against an aided vacancy of Typist. There is one certificate issued by the 2nd respondent on 18-12-1990 saying that the daughter of the petitioners was working as Typist in the College from 12-3-1986 till the date of issuance of certificate i.e. 18-12-1990. Further, petitioners also placed certain other documents to show that the name of their daughter was shown in the Provident Fund Account etc.

In spite of service of notice, none appears for the respondents.

In the facts and circumstances of the case, without expressing any opinion on merits, the respondents are directed to consider the very affidavit filed in support of the Writ Petition as a representation filed by the petitioners and consider for payment of arrears of salary, if late T.Venkata Lakshmi Kumari is entitled for the same, and pass appropriate orders within a period of four weeks from the date of receipt of a copy of this order and communicate the same to the petitioners.

With the above direction, the Writ Petition is disposed of. No order as to costs.

21-11-2006

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